

United States Court of Appeals

*For the Seventh Circuit
Chicago, Illinois 60604*

February 4, 2002

Before

Hon. THOMAS E. FAIRCHILD, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

Hon. TERENCE T. EVANS, *Circuit Judge*

No. 00-1057

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ASHER ADKINS,
Defendant-Appellant.

Appeal from the United States
District Court for the
Northern District of Indiana,
Fort Wayne Division.

No. 1:93-CR-27

William C. Lee, *Chief Judge.*

ORDER

The opinion issued by this court on December 13, 2001 is amended as follows.

The sentence beginning at line 13 of page 10 is deleted, and in its place the following language is substituted:

Adkins also points to Hummel's testimony that during the same drug purchase, Adkins showed him a .32 caliber pistol and told him that he had carried the weapon during all his recent methamphetamine transactions. But since Adkins actually held and displayed this handgun, this evidence, like all the other evidence on which the jury could have based its conviction, qualified as evidence that Adkins "carried" a handgun as that term was defined in *Muscarello*. We therefore affirm the conviction on this count.

On consideration of the petition for rehearing and rehearing *en banc* filed on December 27, 2001 by counsel for Defendant-Appellant Adkins, all members of the original panel have voted to **DENY** the petition for rehearing. No judge in regular active service has requested a vote on the petition for rehearing *en banc*.

Accordingly, **IT IS ORDERED** that rehearing and rehearing *en banc* are hereby **DENIED**.